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| 09/520,065      | 03/07/2000  | Helge Simonsen       | U 012642-4          | 9878             |

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NEW YORK, NY 10023

EXAMINER

NGUYEN, STEVEN H D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2665

DATE MAILED: 06/04/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/520,065

Applicant(s)

SIMONSEN ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

3. Claim 7 provides for the use of local and remote asynchronous completion control, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

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4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 7, the phrase "e. g." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (USP 6185620) in view of Roach (USP 6304910).

Weber discloses (Figs 1-23 and col. 1, lines 15 to col. 20, lines 12 which discloses a controller for transmitting and receiving the data frames from host and network wherein the controller which includes a micro coded engine for coupling to the context memory for dynamic allocation the memory for the receiving and transmitting frame; performing a flow control, after forwarding the frame the protocol engine, data mover, receiver, transmitter updated the context manager in order to free up the memory and generating ack frame to notify the sender and perform CRC) a general computer network controller, preferably operative in a system area network, said controller including a data buffer handling payload (Fig 8, Ref 870) and a de-

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licated, programmable micro sequencer (Fig 8, Ref 876) handling control flow and being capable of running different network packets and protocols, being packet format independent and network independent, wherein said micro sequencer is tightly coupled to a fully associative context block (Fig 8, Ref 877 and 878) for control thereof, said context block being operative to hold a number of last recently used contexts to provide a dynamic resource allocation scheme reflecting run time situations, substantial parts of said contexts being updated by said micro sequencer (Fig 8, Ref 876), by an inbound scheduler (Fig 8, Ref 874) and by a network protocol engine (Fig 802); the micro sequencer is operative to control a scalable memory array which can be used as a table for Inbound address mapping of registered memory and access protection, and as a means for keeping context information about all active channels (Fig 8, Ref 874 as claim 2); the fully associative context block constitutes a connection between said inbound scheduler and said network protocol engine, thereby giving said network controller the ability to pipeline tasks and execute in parallel (Fig 8, Context manager 878, 877 are connected between receiver "inbound scheduler" and protocol engine 802 as claim 3) and the target and initiator exchanges the message such as ack frame to notify the sender (Col 12, lines 19-27). However, Weber does not disclose a programmable micro coded and micro sequencer for controlling network protocol engine for performing link injection control based on the feed back from link layer as well as intervention from an operation system and for scheduling the packets and inbound schedule for decoding, scheduler and invoke the run task or allocate new task for received packet, memory mapping, descriptor inserted into queue by a user application and task received from context manager. In the same field of endeavor, Roach discloses (Figs 1-9 and col. 1, lines 5 to col. 11, lines 65 which discloses a controller including a programmable sequencer for controlling the

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flow and dynamic allocation the memory from the memory and generating a descriptor for storing the receiving and transmitting frame and performing CRC check on the frame and generating an ack frame) a micro sequencer is operative to control said network protocol engine which in its turn is operative to perform link injection control, based on feedback from a link layer as well as intervention from an operative system, said network protocol engine further being operative to schedule packets to the network (Fig 5, the programmable sequencer is used to control protocol engine for scheduling the packets for transmitting via network) and said inbound scheduler is operative to decode, schedule and invoke running tasks or allocate new tasks, based on i) packets received from the network, ii) memory mapped operation received from a bus attachment module, iii) descriptors inserted in work queue fifos by a user application, and iv) tasks received from said context block (Fig 2, Ref FC-1) and message cyclic redundancy check as an address to a remote completion queue, e.g. at a target, are attached, by a said micro sequencer, to a last packet in a message to be sent from a sender, e.g. a host, to a receiver, e.g. a target, whereby, on reception of said packet at said receiver and checking for data integrity for the whole message by a target micro sequencer, "receive complete" is signaled directly from said target micro sequencer in the remote process completion queue, and simultaneously a response is made back to the sender, which will then signal "send complete" and status directly to a local process (Col. 7, lines 32 to col. 8, lines 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a programmable sequencer as disclosed by Roach's controller into Weber's controller. The motivation would have been to allow the controller to be upgrade in the future.

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*Allowable Subject Matter*

8. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
June 1, 2003